

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
	:	
ORION HEALTHCORP, INC <sup>1</sup> .	:	Case No. 8-18-71748 (AST)
	:	
Debtors.	:	(Jointly Administered)
-----	:	
HOWARD M. EHRENBERG IN HIS CAPACITY	:	
AS LIQUIDATING TRUSTEE OF ORION	:	Adv. Pro. No. 8-20-8049 (AST)
HEALTHCORP, INC., ET AL.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
ARVIND WALIA; NIKNIM MANAGEMENT	:	
INC.,	:	
	:	
Defendant(s)	:	
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**STIPULATION REQUESTING AMENDMENT TO CASE MANAGEMENT  
AND DISCOVERY PLAN**

Plaintiff, Howard Ehrenberg, in his capacity as Liquidating Trustee of Orion Healthcare, Inc. (the “Plaintiff”) and Defendants Arvind Walia and Niknim Management, Inc. (collectively, “Defendant”; together with the Plaintiff, the “Parties”), by and through their undersigned counsel of record, stipulate as follows:

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Orion Healthcorp, Inc. (7246); Constellation Healthcare Technologies, Inc. (0135); NEMS Acquisition, LLC (7378); Northeast Medical Solutions, LLC (2703); NEMS West Virginia, LLC (unknown); Physicians Practice Plus Holdings, LLC (6100); Physicians Practice Plus, LLC (4122); Medical Billing Services, Inc. (2971); Rand Medical Billing, Inc. (7887); RMI Physician Services Corporation (7239); Western Skies Practice Management, Inc. (1904); Integrated Physician Solutions, Inc. (0543); NYNM Acquisition, LLC (unknown) Northstar FHA, LLC (unknown); Northstar First Health, LLC (unknown); Vachette Business Services, Ltd. (4672); Phoenix Health, LLC (0856); MDRX Medical Billing, LLC (5410); VEGA Medical Professionals, LLC (1055); Allegiance Consulting Associates, LLC (7291); Allegiance Billing & Consulting, LLC (7141); New York Network Management, LLC (7168). The corporate headquarters and the mailing address for the Debtors listed above is 1715 Route 35 North, Suite 303, Middletown, NJ 07748.

## **RECITALS**

Plaintiff and Defendant, each by and through their respective undersigned attorney, hereby stipulate and agree to extend the written and document fact discovery deadline from September 20, 2021 to December 30, 2021:

1. On March 13, 2020, Plaintiff filed a complaint [Dkt. No. 1] against Defendant.
2. The Summons [Dkt. No. 2] was issued by the Clerk's Office on March 16, 2020.
3. On March 16, 2020, Defendant was served with the summons and complaint.
4. On June 17, 2020, Defendant filed *Defendant's Answer and Affirmative Defenses to Complaint for Avoidance and Recovery of (1) Preferential and or Fraudulent Transfers and (2) Objection to Claim No. 69 Pursuant to 11 U.S.C. §§ 502, 547, 548 & 550* [Dkt. No. 6]
5. On June 22, 2020 the Court entered an Initial Scheduling Order [Dkt. No.8]. The Plaintiff uploaded the Discovery Plan Order on September 8, 2020 [Dkt. No. 10], but the Discovery Plan Order was never entered. The Pretrial hearing was adjourned from September 21, 2020 to October 15, 2020.
6. A Pretrial Conference was held on October 15, 2020. At the hearing, the parties desired to enter into a Case Management Order following informal discussions.
7. On May 26, 2021, a Stipulation and Order regarding filing of First Amended Complaint and Entering of Scheduling Order [Dkt. No. 20] was entered.
8. On May 28, 2021 Plaintiff filed a *First Amended Complaint for Avoidance and Recovery of: (1) Fraudulent Transfers; (2) Preferential Transfers; (3) Recovery of Avoided Transfers; (4) Objection to Claim No. 10067; Pursuant to 11 U.S.C. §§ 502, 544, 547, 548 and 550* [Dkt. No. 22]

9. On June 9, 2021, Defendant filed an *Answer to First Amended Complaint and Affirmative Defenses* [Dkt. No. 23] Written discovery was exchanged in the following months and approximately 7,000 pages of documents produced by the parties. The deposition of Arvind Walia took place on September 15, 2021 but was not completed. While noticed, the deposition of Defendant Niknim Management, Inc., has not taken place due to scheduling issues. Depositions will be complete in the next 30 days.

10. This is an adversary involving alleged transfers of just over four million dollars (\$4,000,000) under theories of avoidance and recovery of fraudulent and preferential transfers. The parties have met and conferred over the course of this adversary proceeding and have exchanged a substantial amount of information and records via formal and informal discovery, and are continuing to do so.

11. The Parties are seeking additional time to complete depositions and confer regarding the facts and legal issues, and/or participate in mediation or settlement discussions following the depositions. The Parties therefore seek to extend the written and document fact discovery deadline by approximately 90 days.

**NOW AND THEREFORE, IT IS HEREBY STIPULATED AND AGREED:**

1. All written and fact discovery between the Parties shall be completed no later than December 30, 2021, and dates under the case management order continued from the new fact cut-off date accordingly.

2. Each person who executes this Stipulation represents that he or she is duly authorized to execute this Stipulation on behalf of the respective Parties hereto and that each such party has full knowledge and has consented to this Stipulation.

3. This Stipulation may be executed in one or more counterparts, any of which may be transmitted by facsimile or electronic transmission, and each of which shall be deemed an original, but all of which together shall constitute one and the same document.

4. The Pretrial Conference is adjourned to January 26, 2022 at 2:00 p.m. (EST).

Dated: September 21, 2021

**PACHULSKI STANG ZIEHL & JONES LLP**  
Attorneys for Plaintiff Howard M. Ehrenberg,  
in his capacity of Liquidating Trustee of Orion  
Healthcorp, Inc., *et al*

By: /s/ Jeffrey P. Nolan  
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Dated: September 21, 2021

**ROSEN & ASSOCIATES P.C.**  
Counsel to Arvind Walia and  
Niknim Management Inc.]

By: /s/ Sanford P. Rosen  
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(212) 223-1100

~~Dated: September 20, 2021~~  
**Dated: September 21, 2021**  
**Central Islip, New York**



  
**Alan S. Trust**  
**Chief United States Bankruptcy Judge**